

EXHIBIT 1



Thomas Brown (031017)
Ernst, Brown & Draper, PLLC
3303 E. Baseline Road, Suite 101A
Gilbert, AZ 85234
tbrown@ebdlawyers.com
602-324-9644
Attorney for the Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

Tony Kennett, an individual,

Plaintiff,

vs.

Ahern Rentals, Inc., a Nevada corporation,

Defendant.

Case No: **CV2022-095187**

COMPLAINT

Plaintiff Tony Kennett, by and through undersigned counsel, hereby seeks relief in this Complaint against Defendant Ahern Rentals, Inc. as follows:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff, at all relevant times to the matters alleged herein, is an individual and resident of Arizona and resides in Maricopa County, Arizona.

2. Ahern is a Nevada corporation authorized to do business in and doing business in Maricopa County, Arizona.

4. At all times relevant herein, Plaintiff was an employee of Ahern and worked for Ahern located in Arizona.

6. Venue is proper before this Court pursuant to A.R.S. § 12-401.

7. The estimated value of Plaintiff's claim is more than \$50,000 but less than \$300,000, and thus this case is appropriate for a "Tier 2" designation under Rules 8(b) and 26.2 of the Arizona Rules of Civil Procedure.

FACTUAL ALLEGATIONS

8. In August 2022, Plaintiff was working for Ahern.

9. On or about August 17, 2022, Plaintiff reported an issue to a manager regarding his difficulty in getting access at a work site.

10. The manager advised Plaintiff to raise the issue with Mathew Gregory, a sales manager. Plaintiff told the manager that he had already advised Mr. Gregory of the issue.

11. Mr. Gregory was in an adjacent room and heard the conversation between the Plaintiff and manager.

12. Immediately upon hearing Plaintiff state that Plaintiff had already informed Mr. Gregory of the issue, Mr. Gregory came out of his office and walked towards the Plaintiff and manager and began yelling at Plaintiff and putting his finger in Plaintiff's face.

22. Plaintiff reported his reasonable belief that Mr. Gregory violated A.R.S. 13-1203 to a manager of the Defendant.

24. As a direct result of Defendant's conduct, Plaintiff has suffered damages in an amount to be proven at trial, including damages for lost wages, emotional distress, and punitives.

WHEREFORE, Plaintiff, prays that judgment be entered against Defendants and that the Court award the following relief including but not limited to:

B. An Order declaring that Defendants have violated Arizona Employment Protection Act;

D. Judgment for Plaintiff against Defendants for treble damages as set forth in Ariz. Rev. Stat. § 23-355;

F. Any and all other legal and equitable relief the Court deems just and proper.

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2 **RESPECTFULLY SUBMITTED** this 28th day of November 2022.
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4 /s/Thomas Brown
5 Thomas Brown
6 *Attorney for Plaintiff*

7 ORIGINAL of the foregoing E-filed
8 through AZTurboCourt this 28th day of
9 November 2022, with:

10 Clerk of the Court
11 For the United States District Court
12 for the County of Arizona
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